

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA §
VS. § CIVIL ACTION NO. 1:91-CR-118
JAMES RILEY CORNETT, JR. §

MEMORANDUM ORDER OVERRULING DEFENDANT'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Defendant James Riley Cornett, Jr., proceeding *pro se*, filed objections to the court order granting the government's motion to direct payment of funds. Defendant also moved to discharge his obligation to pay restitution, for a declaratory judgment that the forfeiture of his home was improper, and for an evidentiary hearing.

The court ordered that the objections and motions be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends overruling defendant's objections to the order granting the government's motion to direct payment of funds. The magistrate judge also recommends denying defendant's motions to discharge his obligation to pay restitution, for a declaratory judgment that the forfeiture of his home was improper, and for an evidentiary hearing.

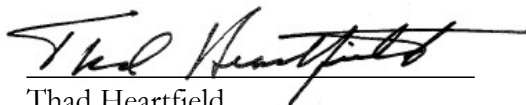
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Defendant filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, defendant's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. Defendant's objections to the order granting the government's motion to direct payment of funds are **OVERRULED**. Defendant's motions to discharge his obligation to pay restitution, for a declaratory judgment that the forfeiture of his home was improper, and for an evidentiary hearing are **DENIED**.

SIGNED this the **30** day of **May**, 2006.


Thad Heartfield
United States District Judge